

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 27, 1998**

DIVISION ONE

B118834      Cheng  
v.  
Silberman

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed January 9, 1998) dismissed.

## DIVISION TWO

B113221 Michael Mai Nguyen, et al. (Certified for Publication)  
v.  
20th Century Insurance Company

The order of dismissal is reversed, with directions to overrule the demurrer and allow 20th Century to answer the complaint. Plaintiffs shall recover costs.

Fukuto, J.

We concur: Boren, P.J.  
Zebrowski, J.

B119221      Cleave Goodson, etc.      (Certified for Publication)  
v.  
Perfect Fit Enterprises, Inc.

The judgment is reversed insofar as it denies recovery of nonpecuniary damages, and is otherwise affirmed. Plaintiff shall recover costs.

Fukuto, J.

We concur: Boren, J.  
Zebrowski, J.

DIVISION TWO (Continued)

B102960      Lake Colorado Associates                      (Not for Publication)  
                 v.  
                 Ray Wilson Company, et al.

The judgment is affirmed.

Fukuto, J.

We concur:    Boren, P.J.  
                     Nott, J.

B118397      Los Angeles County D.C.S.                      (Not for Publication)  
                 v.  
                 Robert W.

The juvenile court is directed to vacate its restraining order of December 8, 1997, and to conduct further proceedings consistent with the views set forth herein. All other orders under review are affirmed.

Fukuto, J.

We concur:    Boren, P.J.  
                     Nott, J.

B118544      The People                                      (Not for Publication)  
                 v.  
                 David Earl Turner

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

## DIVISION TWO (Continued)

B120891 International Window Treatments, Inc. (Not for Publication)  
v.  
Frederick W. Regnery

The judgment and the order denying motion to set aside judgment are affirmed.

Fukuto, J.

We concur: Boren, P.J.  
Zebrowski, J.

B121775      The People                          (Not for Publication)  
v.  
Raymond Williams

The Court:

The judgment is modified to provide that execution of the sentence imposed for possession of cocaine is stayed pending completion of service of the sentence imposed for transportation of a controlled substance (Health & Saf. Code, section 11352, subd. (a)), and thereafter permanently. In all other respects, the judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

DIVISION THREE

B119797      Los Angeles County, D.C.S.                      (Not for Publication)  
v.  
Margaret S.

The January 27, 1998, order is modified by deleting the phrase "if mother moves to Maryland[.]" The mother's visitation may take place if she visits Maryland or if James visits California, but the trial court's order that "she is to have monitored visits at a neutral location" is retained. As modified, the January 27, 1998, order is affirmed. Costs on appeal awarded to appellant Margaret S.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Aldrich, J.

B117036      Robert Bassard    (Not for Publication)  
v.  
La Puente Valley Regional Occupational Program

The judgment of dismissal is affirmed. Costs on appeal awarded to respondent and defendant La Puente Valley Regional Occupational Program.

Kitching, J.

We concur:    Klein, P.J.  
                 Croskey, J.

B113069      John Schneider    (Not for Publication)  
v.  
Kajima Engineering and Construction, Inc., et al.

The judgment is affirmed. Costs on appeal awarded to Schneider.

Kitching, J.

We concur:    Croskey, Acting P.J.  
                 Aldrich, J.

### DIVISION THREE (Continued)

[illegible]

The two, one-year enhancements imposed pursuant to Penal Code section 667.5, subdivision (b) are reversed and the matter is remanded for further proceedings in accordance with this opinion. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

B116957 People (Not for Publication)  
v.  
Lemus

The trial court is ordered to correct the abstract of judgment to reflect the concurrent four-year sentence imposed for Lemus's conviction of assault with a firearm in violation of Penal Code section 245, subdivision (a)(2) and the concurrent four-year Penal Code section 12022.5, subdivision (a)(1) enhancement for his personal use of a firearm during that offense. The court is further ordered to forward the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

### DIVISION THREE (Continued)

B119236 Boyle (Not for Publication)  
v.  
City of Redondo Beach, et al.

Judgment is affirmed. Costs on appeal in favor of defendants. Defendants are awarded attorney fees on appeal, and the matter is remanded to the trial court to determine the amount thereof.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

DIVISION FOUR

B114320      Dr. Robert Mendez, Jr.      (Not for Publication)  
v.  
County of Los Angeles, et al.

The judgments (orders of dismissal) are affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B116380      Penuela      (Not for Publication)  
v.  
National Railroad Passenger Corporation, et al.

The order imposing sanctions is reversed. Costs are awarded to appellant.

Hastings, J.

We concur:   Vogel (C.S.), P.J.  
                      Epstein, J.

## DIVISION FOUR (Continued)

B120675      In re Luis Villegas on Habeas Corpus      (Not for Publication)

The petition for writ of habeas corpus is transferred to the Superior Court in and for the County of Los Angeles to conduct an evidentiary hearing within 60 days and thereafter, to determine the merits of the petition in accordance with this opinion.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

[illegible]

The abstract of judgment is modified to reflect conduct credits of 28 days and the trial court's restitution orders; otherwise the judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Curry, J

B116694      People  
v.  
Hall

Filed order modifying opinion. (No change in the judgment)

B114409 People  
v.  
Duran

Filed order modifying opinion. (Change in judgment)

## DIVISION FOUR (Continued)

[illegible]

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

[illegible]

The Court:

This matter is remanded for the limited purpose of redetermination of the maximum permissible term of physical confinement by means of procedures which give appellant fair notice of an intent to aggregate terms of commitment on multiple petitions and an opportunity to be heard. In all other respects, the judgment is affirmed.

Epstein, Acting P.J., Hastings, J., Curry, J.

DIVISION FIVE

B117756      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Charlene S.

The dispositional order in its entirety is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
                          Godoy Perez, J.



October 27, 1998-Continued

## DIVISION FIVE (Continued)

B116175      People                                  (Not for Publication)  
v.  
Charles Harris

The judgment is affirmed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B107604      Navarro  
v.  
General Motors Corp.

Filed order denying petition for rehearing.

DIVISION SIX

B118033      Maulhardt      (Not for Publication)  
v.  
KNM Development Co.

The judgment is affirmed. Respondents are awarded costs and attorney's fees on appeal in an amount to be determined by the trial court.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                      Coffee, J.

## DIVISION SIX (Continued)

B121041 People (Not for Publication)  
v.  
Salerno

The judgment (commitment order) is affirmed.

Yegan, J.

We concur:    Gilbert, Acting P.J.  
                     Coffee, J.